

**UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

**IN RE:
BALENTIN RAMOS**

CASE NO: 13-50247 K

Debtor

**TRUSTEE'S MOTION TO DISMISS
AND NOTICE OF HEARING**

**A HEARING WILL BE HELD ON THIS MOTION AT COURTROOM # 1 , U. S.
POST OFFICE BUILDING, 615 E. HOUSTON STREET, SAN ANTONIO,
TEXAS, ON January 07, 2016 AT 9:30 A.M. THIS WILL BE THE ONLY
NOTICE OF THIS HEARING.**

COMES NOW Mary K. Viegelahn, Trustee, in the above captioned case, and files this her Motion to Dismiss and Notice of Hearing. In support thereof, the Trustee would represent to the Court the following:

The Debtor is in material default with respect to the terms of the Plan as confirmed by the Court. The Debtor has failed to make payments as required by the Plan. The Debtor is in arrears \$16,000.00 through November 2015. The Plan payment is \$4,000.00 per month.

The Trustee requests that in the event the case is dismissed, the Court holds that any funds held by the Trustee at the time of dismissal shall not re-vest in the Debtor(s) pursuant to 11 U.S.C. §349(b)(3), and that such funds be disbursed by the Trustee to creditors pursuant to the plan as confirmed or modified and pursuant to 11 U.S.C. §1326(a)(2).

Cause exists to dismiss this case.

WHEREFORE, PREMISES CONSIDERED, the Trustee moves that the subject case be dismissed pursuant to 11 U.S.C. §1307(c).

Dated: November 03, 2015

/S/

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